



March 20, 2003

Ms. Rebecca Kane  
Environmental Protection Agency  
Office of Enforcement  
And Compliance Assurance  
Mail Code 2222A  
1200 Pennsylvania Avenue  
Washington, DC 20460

RE: Enforcement and Compliance History Online (ECHO) Web Site, 67 FR 70079  
(Nov. 20, 2002)

Dear Ms. Kane:

The Alliance of Automobile Manufacturers (Alliance) is a coalition of ten car and light-duty truck manufacturers. Alliance member companies have approximately 620,000 employees in the United States, with more than 250 facilities in 35 states. Alliance members represent more than 90 percent of U.S. vehicle sales.

The following comments are in response to the Federal Register notice that was published on November 20, 2002 (67 FR 70079), regarding the Enforcement and Compliance History Online (ECHO) Web site. These comments supplement those submitted for the Coalition for Effective Environmental Information, which the Alliance incorporates by reference.

Our members support and encourage making meaningful and accurate environmental compliance data available to the public. At the present time, however, the ECHO database fails to meet EPA's data quality objectives for accuracy, integrity, utility and reproducibility.<sup>1</sup> We offer these comments in the spirit of helping EPA resolve these deficiencies.

### **Database Content**

Inspection reports frequently note alleged deficiencies that were corrected during the course of the inspection or shortly thereafter. Although such alleged deficiencies are noted in the inspection report, they usually do not result in an enforcement action. By including such alleged deficiencies, EPA has crowded the ECHO database with numerous minor administrative "violations" that have little or no environmental performance impact and are often corrected during or shortly after an inspection.

---

<sup>1</sup> EPA Information Quality Guidelines, October 2002.

**BMW Group • Daimler Chrysler • Ford Motor Company • General Motors  
Mazda • Mitsubishi Motors • Nissan • Porsche • Toyota • Volkswagen**

ECHO also attempts to supplement its noncompliance data by indicating whether a facility is in "significant noncompliance." However, the definition of "significant noncompliance" varies widely from program to program. In many instances, the term "significant noncompliance" as used in ECHO includes paperwork violations that did not result in any increase in releases to the environment. The use of the term in these cases is misleading, and we therefore suggest that "significant noncompliance" be reserved for those instances where actual releases to the environment have been above enforceable limits or regulated thresholds. The following would help the public to better understand a facility's environmental record and make the database fairer to the regulated community:

- EPA should present its enforcement data in a context that helps the public understand the breadth of environmental requirements applicable to facilities within each industry. For instance, EPA could provide hypertext links to its training materials, such as inspection manuals and applicable regulations, to illustrate the wide array of environmental requirements applicable to an industry. Moreover, EPA should cite the number of applicable legal requirements a facility is subject to in order to provide regulatory context. Publicizing only alleged violations without such contextual information distorts a source's performance record, raising serious questions about the statistical relevance of the information EPA is publicizing in its ECHO database.
- EPA should omit alleged "violations" unless and until they become the subject of an enforcement action. EPA also should explain that the filing of an enforcement action is not proof that a violation in fact has occurred, but only represents the Agency's position. In no case should "violations" be included in the database until the company has been duly notified and had an opportunity to correct the problem.
- Where an enforcement action has been initiated, ECHO should distinguish between an alleged violation and one that has been confirmed through adjudication. This would not only provide the public with a way to gauge the seriousness of the violation, but would also assure better due process protections for the company.
- EPA should provide further explanation and categorize any alleged violation for which an enforcement action has been initiated, especially if the violation has been identified in the database as "significant noncompliance" (e.g., paperwork violation; labeling; monitoring; record keeping; failure to obtain needed permit; illegal discharge of waste, etc.).
- EPA should provide companies with the option of reviewing compliance information in the database for accuracy *prior* to making the information publicly available.
- The ECHO database is populated from core EPA data systems. When errors are found and corrected in ECHO, the underlying source database should also be corrected.
- Many companies perform self-audits and voluntarily disclose any findings to regulatory agencies under audit privilege rules. Generally, corrective actions are identified and implemented immediately. The database should clearly reflect voluntary disclosures.


## **Database Management**

The comment log currently in place is not adequate for informing the public of disagreements over the data or for resolving data accuracy issues. The formal appeals processes under the Data Quality Act should be more transparent to the regulated community who may be subject to data errors.

- We recommend that the Integrated Error Correction Process, the Request for Review process under the Data Quality Act, and the Request for Reconsideration all be posted on the ECHO web site.
- OMB's role in the review/ data correction process should also be posted to ensure transparency and objectivity.
- Finally, in order to provide the public access to the most complete and useful information possible, EPA should publish any comment a regulated entity posts. At the present time, extensive screening by EPA occurs and the actual text of comments is not made available to the public, depriving the commenter of the right to question the database and depriving the public of relevant information. We see no reason for this objectionable practice to continue.

We appreciate the opportunity to provide input and hope you find our comments helpful as you strive to improve the accuracy and usefulness of the ECHO system.

Sincerely,



Gregory J. Dana  
Vice President  
Environmental Affairs